



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 5, 1997

Ms. Laura Fiorentino Cahill
Assistant County Attorney
Harris County Attorney's Office
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR97-2443

Dear Ms. Cahill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 110572.

The District Clerk of Harris County, on whose behalf you request an open records decision, received a written request for certain information pertaining to the funds in the registry of the district court. Specifically, the requestor seeks:

for the period of time from January 1, 1996 to the present for all monies received by your office coming from the excess proceeds of property tax sales;

(a) the case number of each case from which excess proceeds from a tax sale were delivered to your office;

(b) the amount of money received by your office for each case identified in response to (a) above with the sums separately attributable to each case; and

(c) the case number of each case identified above for which the excess proceeds identified above remain in the custody of your office.

You contend that the requested records are either records of the judiciary, and thus not subject to the provisions of the Open Records Act pursuant to section 552.003(b) of the Government Code, or alternatively, that the information is protected from public disclosure by common-law privacy and therefore excepted from required public disclosure pursuant to section 552.101 of the Government Code.

As you note in your brief to this office, this office has previously addressed the public nature of this type of information in prior rulings to Harris County. You cite Open Records Letter No. 96-0976 (1996), which concerned similar records, as authority for withholding the requested records as "judicial records." In Open Records Letter No. 96-0976 (1996), this office concluded that

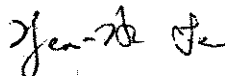
It is well established that records of the judiciary, of which the district court is a part, are not subject to the act. *See* Gov't Code § 552.003(1)(B); Open Records Decision No. 535 (1989). Accordingly, the requested information is not available *under the Open Records Act*. [Footnote omitted; emphasis added.]

We note, however, that this office has issued several other open records rulings to Harris County regarding these types of records when held by the district clerk. For example, in Open Records Letter No. 93-764 (1993) (copy enclosed), this office concluded that although trust fund account information held by the district clerk in the court's registry constituted records of the judiciary, and thus was not subject to the provisions of the Open Records Act, these records were nevertheless subject to common-law and statutory rights of access. *See also* Loc. Gov't Code § 117.123 (yearly audit of registry funds "open to inspection by any interested person or persons").

Additionally, in Open Records Letter No. 94-319 (1994) (copy enclosed), this office concluded that none of the information contained in the registry comes under the protection of common-law privacy because of the clear public interest in this information. *See also Star Telegram v. Walker*, 834 S.W.2d 54 (1992) (no privacy interest in information contained in public court records).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

Ref.: ID# 110572

Enclosures: Open Records Letter No. 93-764
Open Records Letter No. 94-319
Submitted documents

cc: Mr. Brian Taylor
Attorney at Law
401 Heights Boulevard
Houston, Texas 77007
(w/ORLs; w/o documents)